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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,704	06/28/2006	Thomas Ringel	095309.57224US	3745
23911 7590 03/26/2008 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER KONG, SZE-HON	
			ART UNIT 4182	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,704	Applicant(s) RINGEL ET AL.	
	Examiner Sze-Hon Kong	Art Unit 4182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/29/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 12/29/2005 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The subject matter for the modules that are classified on the basis of relevance criteria and are linked to a restriction to the capability to modify the modules in claim 3 and 11 is not disclosed in the specification.

Driving safety and safety-relevant modules in claim 4 (line 2 and 3) are not disclosed in the specification.

The term "technical data exchange" in claim 8 (line 5), claim 16 (line 2) and claim 17 (line 2) is not disclosed in the specification.

Claim Objections

4. Claim 16 is objected to because of the following informalities:

5. The term "technical data_exchange" should be written as "technical data exchange", omitting the "_". Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "a module" in line 2. There is insufficient antecedent basis for this limitation in the claim from the claim it depends.

Claim 3 recites the limitation "the modules" in line 2 and 4. There is insufficient antecedent basis for this limitation in the claim from the claim it depends.

Claim 4 recites the limitation "safety-relevant modules" in line 2. There is insufficient antecedent basis for this limitation in the claim from the claims it depends.

Claim 5 recites the limitation "the modules" in line 3. There is insufficient antecedent basis for this limitation in the claim from the claim it depends.

Claim 6 recites the limitation "a module" in line 3. There is insufficient antecedent basis for this limitation in the claim from the claim it depends.

Claim 7 recites the limitation "individual modules" in line 2. There is insufficient antecedent basis for this limitation in the claim from the claims it depends.

Claim 8 recites the limitation "modules" in line 3. There is insufficient antecedent basis for this limitation in the claim from the claim it depends.

Claim 9 recites the limitation "the modules" in line 5. There is insufficient antecedent basis for this limitation in the claim from the claim it depends.

Claim 11 recites the limitation "the modules" in lines 1 and 3. There is insufficient antecedent basis for this limitation in the claim from the claim it depends.

Claims 12 and 13 recite the limitation "the modules" in line 1-2. There is insufficient antecedent basis for this limitation in the claims from the claims they depend.

Claims 14 and 15 recite the limitation "a module" in line 1-2. There is insufficient antecedent basis for this limitation in the claims from the claims they depend.

Claims 16 and 17 recite the limitation "modules" in line 1. There is insufficient antecedent basis for this limitation in the claims from the claims they depend.

Claims 18 and 19 recites the limitation "the modules" in line 3. There is insufficient antecedent basis for this limitation in the claims from the claims they depend.

The modules in claims 2-9 and 11-19 are unrelated to the independent claim. Therefore, cause the claims to be indefinite.

The term "technical data exchange" is indefinite because the specification does not disclose the definition of the technical data that is in exchanged between the modules.

Claim 10 is indefinite because the claim it depends, claim 9 is rejected for the reason as explained above.

Claim Rejections - 35 USC § 103

8. Claims 1-8 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geisler et al. (6,882,906) in view of Videtich (US2003/0144005).

For claim 1, Geisler discloses a method for providing telematics services for vehicles, wherein data is interchanged without the use of wires between a stationary service control center and a plurality of telematics control elements in the vehicle (Col. 1, lines 26-32, Col. 4, lines 53-67 and Col. 3, lines 51-67), comprising the step: at least one of configuring said control elements and individually modifying each of said control elements using at least one of said data interchanging (Col. 3, lines 51-67) which can be executed autonomously for different telematics service functions (Col. 1, lines 48-53 and Col. 2, lines 3-9).

Geisler does not disclose vehicle user input. Videtich discloses modifying each of said control elements using at least one of said data interchanging and vehicle user input (Paragraph 0038). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the invention of Geisler to modify each of said control elements using at least one of said data interchanging and vehicle user input for real time control elements adjustment and convenience.

For claim 2, Geisler does not specifically disclose a module can be modified not only by the user in the vehicle but also by the stationary service control center. Videtich discloses a module can be modified not only by the user in the vehicle but also by the stationary service control center (Paragraph 0040). It would have been obvious for one

of ordinary skill in the art at the time the invention was made to modify the invention of Geisler to include a module that can be modified by the stationary service control center, taught by Videtich for better assist the driver to configure elements in the vehicle.

For claim 3, Geisler discloses the modules are classified on the basis of relevance criteria, with the classification being linked to a restriction to the capability to modify the modules (Col. 4, lines 19-34, where restrictions to the modification of the modules are classified).

For claim 4, Geisler discloses the relevance criteria relate to driving safety, and safety-relevant modules can be modified only by the stationary service control center (Col. 4, lines 19-34 and Col. 5, line 67 – Col. 6, line 11) where the driver is restricted to modify safety-relevant modules for safety purposes).

For claim 5, Geisler discloses the modification of the modules also includes at least one of activation and deactivation (Abstract, lines 5-9, Col. 1, lines 47-53 and Col. 1, lines 60-64).

For claim 6, Geisler does not specifically disclose the modification of a module also includes the inputting, editing or deletion of function parameters. Videtich discloses the modification of a module also includes the inputting, editing or deletion of function

parameters (Paragraph 0040). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the invention of Geisler to modify a module by inputting, editing or deletion of function parameters, taught by Videtich. The motivation to modify a module includes the inputting, editing or deletion of function parameters is to adjust and customize the controls of the vehicle as the user see fit.

For claim 7, Geisler discloses that function parameters of individual modules can be modified only by the stationary service control center (Col. 4, lines 20-34).

For claim 8, Geisler discloses that modules which interact in terms of at least one of content technical data exchange are combined to form functional groups (Col. 4, lines 8-16).

For claim 11, Geisler discloses the modules are classified on the basis of relevance criteria, with the classification being linked to a restriction to the capability to modify the modules (Col. 4, lines 19-34, where restrictions to the modification of the modules are classified).

For claim 12, Geisler discloses the modification of the modules also includes at least one of activation and deactivation (Abstract, lines 5-9, Col. 1, lines 47-53 and Col. 1, lines 60-64).

For claim 13, Geisler discloses the modification of the modules also includes at least one of activation and deactivation (Abstract, lines 5-9, Col. 1, lines 47-53 and Col. 1, lines 60-64).

For claim 14, Geisler does not specifically disclose the modification of a module also includes the inputting, editing or deletion of function parameters. Videtich discloses the modification of a module also includes the inputting, editing or deletion of function parameters (Paragraph 0040). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the invention of Geisler to modify a module by inputting, editing or deletion of function parameters, taught by Videtich. The motivation to modify a module includes the inputting, editing or deletion of function parameters is to adjust and customize the controls of the vehicle as the user see fit.

For claim 15, Geisler does not specifically disclose the modification of a module also includes the inputting, editing or deletion of function parameters. Videtich discloses the modification of a module also includes the inputting, editing or deletion of function parameters (Paragraph 0040). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the invention of Geisler to modify a module by inputting, editing or deletion of function parameters, taught by Videtich. The motivation to modify a module includes the inputting, editing or deletion of function parameters is to adjust and customize the controls of the vehicle as the user see fit.

For claim 16, Geisler discloses modules which interact in terms of at least one of content technical data exchange are combined to form functional groups (Col. 4, lines 8-16).

For claim 17, Geisler discloses modules which interact in terms of at least one of content technical data exchange are combined to form functional groups (Col. 4, lines 8-16).

9. Claims 9, 10, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geisler et al. (6,882,906) in view of Videtich (US2003/0144005) and further in view of Chou et al. (6,330,499).

For claim 9, Geisler discloses the telematics control elements are configured as a function of the modification of the modules (Col. 1, lines 26-39 and Col. 3, lines 51-67).

Geisler does not specifically disclose dynamic control elements which are associated with the telematics control elements are configured as a function of the modification of the modules. Chou discloses dynamic control elements which are associated with the telematics control elements are configured as a function of the modification of the modules (Col. 9, lines 1-3, 31-34 and Col. 10, lines 1-11). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the invention of Geisler to include dynamic control elements which are associated with the telematics control elements are configured as a function of the modification of the modules, taught by Chou. The motivation to modify the invention of

Geisler is to allow a user to configure and make modification of the modules through the telematics control elements.

For claim 10, Geisler does not disclose the dynamic control elements are in the form of soft keys. Chou discloses the dynamic control elements are in the form of soft keys (Col. 9, lines 1-3, 31-34). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the invention of Geisler to add the dynamic control elements in the form of soft keys. The motivation to modify the invention of Geisler to include the soft keys dynamic control elements is to allow the user conveniently navigate a control menu and/or control the module by touch.

For claim 18, Geisler discloses the telematics control elements are configured as a function of the modification of the modules (Col. 1, lines 26-39 and Col. 3, lines 51-67).

Geisler does not specifically disclose dynamic control elements which are associated with the telematics control elements are configured as a function of the modification of the modules. Chou discloses dynamic control elements which are associated with the telematics control elements are configured as a function of the modification of the modules (Col. 9, lines 1-3, 31-34 and Col. 10, lines 1-11). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the invention of Geisler to include dynamic control elements which are associated with the telematics control elements are configured as a function of the

modification of the modules, taught by Chou. The motivation to modify the invention of Geisler is to allow a user to configure and make modification of the modules through the telematics control elements.

For claim 19, Geisler discloses the telematics control elements are configured as a function of the modification of the modules (Col. 1, lines 26-39 and Col. 3, lines 51-67).

Geisler does not specifically disclose dynamic control elements which are associated with the telematics control elements are configured as a function of the modification of the modules. Chou discloses dynamic control elements which are associated with the telematics control elements are configured as a function of the modification of the modules (Col. 9, lines 1-3, 31-34 and Col. 10, lines 1-11). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the invention of Geisler to include dynamic control elements which are associated with the telematics control elements are configured as a function of the modification of the modules, taught by Chou. The motivation to modify the invention of Geisler is to allow a user to configure and make modification of the modules through the telematics control elements.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(US2003/0182362) Jensen discloses a system and method for distributing preference data as a service for vehicles, however, is only discussing a telematics communication system to modify vehicle functions and settings remotely and a web type client for user to update/change their preferred vehicle functions and/or preference dynamically through an interface and not discussing activation and deactivation and combining different functional data to form functional groups in detail.

(7,215,950) Mazzara discloses a method of telematics unit configuration and activation on a vehicle, however, is only discussing modifying configurations, parameters adjustment and elements of the vehicles remotely by a user in the vehicle using an interface and not discussing user restrictions and combination of functional groups in detail.

(6,766,177) Chambon discloses a mobile phone in communication and data exchange with a base station, however, is only discussing configuration and update mobile phones with increased and improved functions and not discussing an application for use with updating the functions and operation of an vehicle in detail.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sze-Hon Kong whose telephone number is (571)270-1503. The examiner can normally be reached on 7:30AM-5PM Mon-Fri, Alt. Fri. Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571)272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/20/2008

/Sze-Hon Kong/

Sze-Hon Kong

/Thu Nguyen/

Supervisory Patent Examiner, Art Unit 4182